REMARKS

Claims 1-7 and 10-21 are pending in the application. By this Amendment, claims 1 and 7 are amended and new claims 19-21 are added. This paper qualifies as a submission in accordance with 37 C.F.R. §1.114. This submission is being filed concurrently with a Request for Continued Examination.

The Office Action rejects claims 12 and 17 under 35 U.S.C. §112, second paragraph. It is respectfully submitted that the amendment to claim 12 (as set forth in the response filed March 24, 2006) obviates the grounds for rejection.

The Office Action rejects claims 1-7 and 10-18 under 37 U.S.C. §103(a) over U.S. Patent Publication 2002/0155831 to Fodor et al. (hereafter Fodor) in view of U.S. Patent 5,913,041 to Ramanathan et al. (hereafter Ramanathan). The Office Action also rejects claims 1-7 and 10-18 under 35 U.S.C. §103(a) over U.S. Patent 6,317,639 to Hansen in view of U.S. Patent 6,842,768 to Shaffer et al. (hereafter Shaffer). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication network. Independent claim 1 also recites checking response information sent from a second mobile terminal answering to said information for transferring the data file, and transferring the data file to the second mobile terminal based on the checked result, wherein said transfer conditioning information includes a blocking time period set in the first mobile terminal by a user of when to block a file transfer by the first mobile terminal.

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The Office Action states (on page 3) that Fodor does not disclose the transfer conditioning information including a blocking time period set in the first mobile terminal of when to block a file transfer by the first mobile terminal. The Office Action (on page 4) then cites Ramanathan's col. 11, line 43-col. 12, line 5 for features relating to the claimed transfer conditioning information including a blocking time period set in the first mobile terminal. However, the cited section of Ramanathan does not teach or suggest the alleged features.

Ramanathan relates to a management system that may calculate data throughput to remote sites 12, 14 and 16. See the throughput monitor 52 in Figure 1. Ramanathan also discloses that log information may be filtered <u>to calculate</u> data transfer rates. See, for example, col. 6, line 65-col. 7, line 2. Additionally, the cited section of Ramanathan's col. 11, line 43-col. 12, line 5 does not correspond to a blocking time period <u>set by a user</u>. Accordingly, Ramanathan does not relate to a blocking time period and/or a blocking time period set in a first mobile terminal by a user. Rather, Ramanathan merely discloses that a throughput monitor 52 may <u>calculate</u> data transfer rates. The calculated data transfer rate does not correspond to the claimed blocking time period set by a user.

Ramanathan also does not relate to file transfer between first and second mobile terminals. Rather, Ramanathan clearly relates to transfer of data from a content server to remote sites 12, 14 and 16. As shown explicitly in FIG. 1, the remote sites 12, 14 and 16 are connected via modems 44, 45 and 47 to the system 34. Thus, the remote sites 12, 14 and 16 are not mobile terminals. Therefore, Ramanathan does not suggest "a blocking time period…of when to block a file transfer by the first mobile terminal."

Accordingly, Fodor and/or Ramanathan do not teach or suggest storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication, wherein the transfer conditioning information includes a blocking time period set in the first mobile terminal by a user of when to block a file transfer by the first mobile terminal, as recited in independent claim 1.

Additionally, the Office Action states (on page 8) that Hansen also does not teach features relating to the transfer conditioning information including a blocking time period. The Office Action then cites Shaffer's col. 5, lines 30-50 for these missing features. However, these cited sections of Shaffer merely relate to a user deciding between different download times in which to download files. See Shaffer's Figure 3, step B2. This does not teach or suggest the transfer conditioning information including a blocking time. Furthermore, this does not teach or suggest the transfer conditioning information including a blocking time period set in the first mobile terminal by a user of when to block a file transfer by the first mobile terminal. The Advisory Action does not address these features with regard to the alleged Hansen/Shaffer combination.

Accordingly, Hansen and/or Shaffer do not teach or suggest storing a data file and transfer conditioning information thereof received from a first mobile terminal, wherein the transfer conditioning information includes a blocking time period set in the first mobile terminal by a user of when to block a file transfer by the first mobile terminal, as recited in independent claim 1.

For at least the reasons set forth above, the applied references, either alone or in combination, do not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 7 recites storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication network, and selecting one among the stored data files based on the stored transfer conditioning information. Independent claim 7 also recites transferring the selected data file to a second mobile terminal specified as a destination of the selected file, wherein the transfer condition information includes information of a blocking time period set by a user of when to block a file transfer, and wherein said selecting includes selecting one data file whose transfer blocking time period is closest to a current time. For at least similar reasons as set forth above, the applied references do not teach or suggest these features. Thus, independent claim 7 defines patentable subject matter.

Independent claim 12 recites requesting a blocking time period be set in a first mobile terminal during which a file transfer is blocked, selecting a file to transfer to a second mobile terminal, and receiving by the second mobile terminal, <u>a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the blocking time period</u>, said display also including a size of the file to be transferred. Independent claim 12 further recites <u>delaying the file transfer until the second mobile terminal is connected to an external apparatus having a sufficient memory capacity</u> to store the size of the file to be transferred.

For at least similar reasons as set forth above, the applied references do not teach or suggest these features of independent claim 12. Ramanathan and Shaffer do not teach or suggest requesting a blocking time period be set in a first mobile terminal during which a file transfer is blocked. Additionally, the Office Action (on page 6) cites Ramanathan's col. 8, lines 22-25 for features relating to the claimed display message. However, the cited section does not relate to receiving, by a second mobile terminal, a display message. Rather, the cited section relates to network operators monitoring trends. The network operators do not correspond to the claimed mobile terminal. Additionally, the Office Action (on page 10) cites Shaffer's col. 3, lines 44-65 for features relating to the claimed display message. However, the cited section does not relate to the display message indicating a file is ready for transfer of a time not within the time period during which the transfer is blocked. The mere discussion of different times does not correspond to the claimed features.

Further, the Office Action never addresses the claimed features of delaying the file transfer until the second mobile terminal is connected to an apparatus having a sufficient memory capacity to store the size of the file to be transferred. The applied references do not teach or suggest these features.

For at least the reasons set forth above, the applied references do not teach or suggest all the features of independent claim 12. Thus, independent claim 12 defines patentable subject matter.

New independent claim 20 recites storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile

communication network, selecting one among the stored data files based on the stored transfer

conditioning information and transferring the selected data file to a second mobile terminal

specified as a destination of the selected file, wherein the transfer condition information includes

information of a blocking time period set by a user of when to block a file transfer, wherein said

selecting includes selecting one data file whose transfer blocking time period is closest to a

current time, and wherein said transferring includes transmitting another data file to a third

mobile terminal specified as a destination of another selected data file if the selected file is not

transferred to the second mobile terminal. Similar features were recited in previous dependent

claim 11. The applied references do not teach or suggest these features. Thus, independent claim

20 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 7, 12 and 20

defines patentable subject matter. Each of the dependent claims depends from one of the

independent claims and therefore defines patentable subject matter at least for this reason. In

addition, the dependent claims recite features that further and independently distinguish over the

applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition

for allowance. Favorable consideration and prompt allowance of claims 1-7 and 10-21 are

earnestly solicited. If the Examiner believes that any additional changes would place the

application in better condition for allowance, the Examiner is invited to contact the undersigned

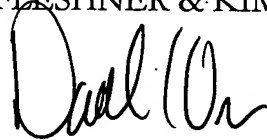attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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